

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

MATHEW MARTOMA,

Defendant.

No. 12-cr-00973 (PGG)  
ECF Case

**ORAL ARGUMENT REQUESTED**

**DEFENDANT MATHEW MARTOMA'S  
NOTICE OF MOTION TO EXCLUDE EVIDENCE OF HIS  
FAINTING WHEN APPROACHED BY GOVERNMENT AGENTS**

**(MR. MARTOMA'S MOTION *IN LIMINE* NO. 5)**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Richard M. Strassberg, Esq., the exhibits thereto, and the accompanying memorandum of law, the defendant Mathew Martoma will move this Court before the Honorable Paul G. Gardephe at the United States District Courthouse, 500 Pearl Street, New York, New York 10007, at such a date and time as the Court may direct, for an Order to Exclude Evidence of His Fainting When Approached By Government Agents.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Mr. Martoma will rely upon the accompanying memorandum of law and appendix of exhibits, all of which are submitted contemporaneously herewith.

Dated: December 6, 2013  
New York, NY

Respectfully submitted,

GOODWIN PROCTER LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2013, I caused a true and correct copy of the foregoing to be served by electronic means, via the Court's CM/ECF system, on all counsel registered to receive electronic notices. I also certify that I have caused copies of the aforementioned document to be served via first class mail, postage prepaid upon all non-CM/ECF participants.

/s/ Richard M. Strassberg  
Richard M. Strassberg (RS5141)